

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

VICKY RODRÍGUEZ TORRES, et al.

Plaintiffs

v.

GOVERNMENT DEVELOPMENT BANK
FOR PUERTO RICO, et al.

Defendants

CIVIL No. 09-1151 (JP)

TITLE VII VIOLATIONS, AGE & SEX
DISCRIMINATION, TORTS

PLAINTIFF DEMANDS A TRIAL BY
JURY

**DEFENDANTS' MOTION REQUESTING REINSTATEMENT OF ORDER GRANTING
DEFENDANTS' REQUEST FOR ATTORNEY'S FEES
PURSUANT TO RULE 54(d)(2) AND 28 U.S.C. §1927**

TO THE HONORABLE COURT:

COMES NOW defendants the Government Development Bank ("GDB" or "the Bank"), Marine Comas Torres ("Comas"), Javier Ramos Luiña ("Ramos"), Enid López López ("López"), Luis I. Alfaro Martínez ("Alfaro"), Ángel Pérez Rivera ("Pérez") and Naphis Torres Padró ("Torres") in his official capacity, (collectively referred to as "defendants"), through the undersigned counsel and respectfully, states, alleges and prays as follows:

1. On February 23, 2010, this Honorable Court entered a Final Judgment dismissing, with prejudice, plaintiffs' federal law claims brought against defendants. See Dkt. No. 267.
2. On March 9, 2010, defendants filed a motion for the imposition of attorney's fees against plaintiffs and their attorneys of record. See Dkt. No. 272. On that same date plaintiff filed a Notice of Appeal as to the Final Judgment and other discovery motions. See Dkt. No 270.
3. Plaintiffs did not file an opposition to defendant's motion for attorney's fees nor did they request an extension to do so and on April 12, 2010, this Honorable Court granted defendants'

-2-

motion for attorneys' fees and ordered plaintiffs to pay defendants the amount of \$41,416.25. See Dkt. No.278.

4. On May 4, 2010, plaintiff filed a motion to vacate this Honorable Court's order of April 12, 2010, under Rule 59(e) of the Federal Rules of Civil Procedure and on May 10, 2010 defendants filed an opposition to the same. See Dkt. Nos. 281 and 283.

5. On January 18, 2011, this Honorable Court entered an order granting plaintiff's Motion to Vacate the Court's opinion and order granting defendants' motion for attorney's fees, Dkt. No 278. Essentially, this Honorable Court stated that defendants "filed their motion for attorney's fees prior to the disposition of Plaintiffs' appeal" and pursuant to Local Rule 54(a), "[d]efendants' original motion for attorney's fees has no effect." See Dkt. No. 304.

6. On March 7, 2012, the U.S. Court of Appeals entered a Judgment affirming this Honorable Court Final Judgment. On March 8, 2012, the Court of Appeals issued the mandate to this Court.

7. Therefore, we respectfully request that this Honorable Court reinstate the Order granting defendant's requests for attorney's fees, Dkt. No. 278. Pursuant to Local Rule 54 (a) we respectfully reaffirmed that the course and final resolution of the present case warrants the imposition of attorney's fees against plaintiffs and/or their counsel as provided by Rule 54(d)(2) and 28 U.S.C. § 1927 and adopt by reference all the arguments set forth in their motion of March 9, 2010, Dkt. No. 172. Plaintiffs' conduct was frivolous and unreasonable and resulted in the unwarranted multiplication of proceedings and unnecessary expenditure of the resources of defendants and the Court as amply discussed by the Court order of April 12, 2010. See Dkt. No. 278. Nothing transpired in the course of appeal proceedings which would warrant departure from the Court's reasoning.

-3-

WHEREFORE, the GDB respectfully request to this Honorable Court the reinstallation of the Order granting defendants' request for attorney's fees, Dkt. No. 278.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 21th day of March, 2012.

WE HEREBY CERTIFY that on this same date, we electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. Parties may access this filing through the Court's system. In addition, notice to counsel William Meléndez and counsel Miguel Cuadros will be made both through CM/ECF and through certified mail. Notice to plaintiff-appellant Vicky Rodríguez will be made through certified and regular mail. To this effect, on this same date paper copies were served by certified and regular mail to plaintiff-appellant, Vicky Rodríguez, 650 Sergio Cuevas, Apto. 1911, Condominio Segovia, San Juan, Puerto Rico, 00918; by certified mail to Miguel A. Cuadros Pesquera, Esq., 701 Ponce de León Ave., Suite #215, San Juan, Puerto Rico 00907; and by certified mail to William E. Meléndez Menéndez, Esq., 415 Park Avenue, 15th Floor, Suite 1233, New York, New York, 10022.

SCHUSTER AGUILÓ LLP
Attorneys for Defendants
PO Box 363128
San Juan, Puerto Rico 00936-3128
Tel: (787) 765-4646; Fax: (787) 765-4611

s/Mariela Rexach-Rexach
Mariela Rexach-Rexach
USDC PR No. 214110
mrexach@salawpr.com

s/Erika Berríos Berríos
Erika Berríos-Berríos
USDC PR No. 227312
eberrios@salawpr.com